

Message

From: Swenson, Daniel P SPL [Daniel.P.Swenson@usace.army.mil]
Sent: 7/18/2014 11:47:08 PM
To: Allen, Aaron O SPL [Aaron.O.Allen@usace.army.mil]; Pankratz, Shannon L SPL [Shannon.L.Pankratz@usace.army.mil]; McGuffie, Brianne E SPL [Brianne.E.McGuffie@usace.army.mil]
CC: Amato, Paul [Amato.Paul@epa.gov]; Troxel, Tiffany A SPL [Tiffany.A.Troxel@usace.army.mil]
Subject: Peterson Ranch > Dan's review of sponsor's response to comments letter (6/4/2014) and 7/15/2014 IRT submittals re: proposed SA (UNCLASSIFIED)
Attachments: Ecoregions_SoCal_Omernik Level IV_8.gif; Ecoregions_SoCal_Omernik Level IV_85.gif; Peterson Ranch bank_service area_v02_L4 ecoregions_v02.pdf

Classification: UNCLASSIFIED

Caveats: NONE

[html]

All, my comments are below (***). Dan

My review of sponsor's response to comments letter (6/4/2014):

1.

Corps Comment 5. Buffer credits: the Corps does not agree with the initial acreages of buffer credit described in the prospectus. The BEI should be modified to reflect Corps and IRT input regarding appropriate buffer credit determination.

Response #5. Buffer credits will be modified to reflect the agreed-upon methodology resulting from discussions with the Corps and other IRT members. Buffer credits will be based on 100-feet for ephemeral drainages and alluvial fans, and 300-feet for wetlands.

*****Just to check: is their response accurate? Is that what we agreed to?**

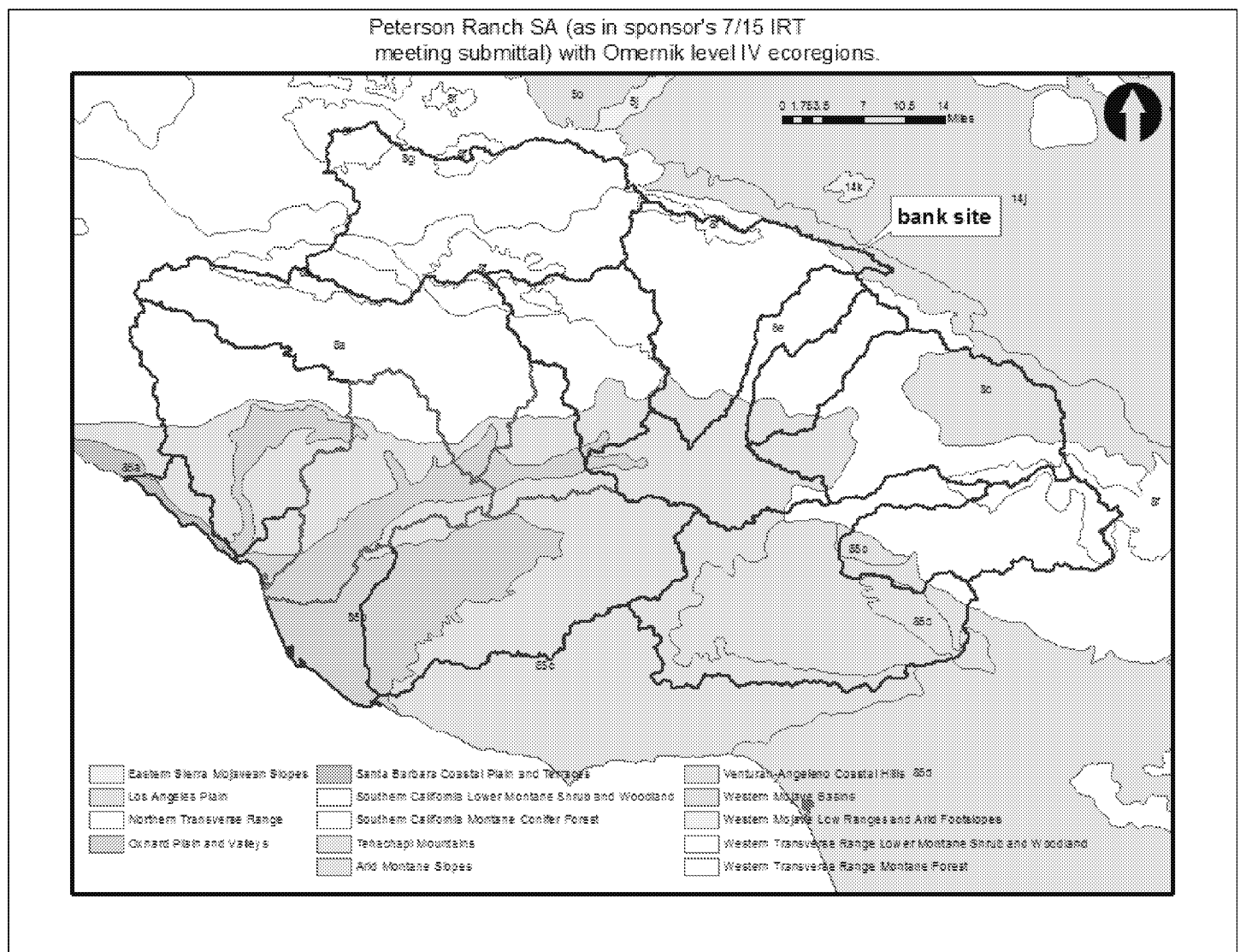
2.

Corps Comment 6. [Please provide] an ecoregional map overlaid on the proposed service areas, including any proposed tertiary service areas. The overlay should be at a sufficiently detailed level of classification (e.g. HUC10). There should be two service areas; one for the portions of the Bank in the Santa Clara River Watershed and the second for the portions of the Bank that flow into the Antelope Valley Watershed.

Response #6. The service area map has been updated and is included with letter (Attachment 3). This map will be included in Exhibit B-1 of the BEI.

*****The new SA map doesn't show all the Omernik Level IV (most detailed) ecoregions, So I created a map that does (below and attached). For example, the bank site appears to be within or near 8c (Arid Montane Slopes) and/or possibly 8e (SoCal lower montane shrub and woodland). The current proposed SA (primary = red, secondary = blue, tertiary = purple) shows that level IV ecoregion varies quite a bit within the proposed service area. Although I'm not that familiar with these ecoregions, it seems some of these are substantially different from those of the bank site itself. We should consider whether all these should be in the SA. For example, the upper LA HUC is mostly Los Angeles Plain (probably very different) whereas the Big Tujunga Creek HUC is mostly SoCal lower montane shrub and woodland which is contained by or at least near the bank site. The Sespe Creek HUC, the northern part of the Upper Piru Creek and Ventura River HUCs, and the coastal HUCs are also different in terms of ecoregion. This may be a case for reducing the currently proposed SA. [please note:**

the attached ecoregion gifs show the codes together with text names, but the colors do not match my map below]



Corps Comment 13. Attached are a spreadsheet for the Petersen Ranch wetlands verified by Corps staff and a spreadsheet for the ephemeral drainages with a previously delineated OHWM visited by Corps staff. The spreadsheet indicates the wetland and/or water number, Corps determination, and any additional notes. The Petersen Ranch wetlands highlighted in red indicate questionable wetlands or suggested "performance-based" wetlands due to lack of one or more indicators. These wetlands will not be considered wetlands unless additional evidence is provided to show that wetland criteria are met (for preservation only) or that wetland criteria have developed as the result of restoration activities and as shown by monitoring. The wetlands highlighted in yellow indicate very low-functioning wetlands. Low functioning wetlands proposed for preservation only may not be creditable.

Response #13. The wetland delineation has been updated to reflect the changes in the referenced spreadsheet (Attachment 2).

***** “The wetlands highlighted in yellow indicate very low-functioning wetlands. Low functioning wetlands proposed for preservation only may not be creditable.” This statement hasn’t been addressed in their response, but it should be addressed in the BEI. I would question an attempt to get PO credit for any of the low-functioning wetlands as they would not seem to meet the MR criteria for preservation.**

Corps Comment 16. Please provide a written description and corresponding map of the proposed recharge areas within the Petersen Ranch site. Please provide the method of recharge and how the proposed recharge will affect the existing and/or proposed wetlands and non-wetland waters on the site. What maintenance would be required? What infrastructure, if any, in or out of the recharge area would be required? What activities would be allowed within this area? Would this area be within the boundary of the bank’s CE?

Response #16. A written explanation of the potential recharge uses has been provided by the Bank Sponsor and is included in Attachment 5. These areas are intended to be excluded from the Conservation Easement, and from crediting. All future land uses on the Bank Property will be discussed in the Long-term Management Plan and enforced through the conservation easement.

*****1) The “Exclusion Areas” map in attachment 5 should be labeled to match the site descriptions in the text of the PETERSEN RANCH SITE BANK BOUNDARY page of attachment 5. How will the excluded sites with buildings be used? What potential effects could those uses have on the bank property (traffic? Noise disturbance? Etc.). How will the groundwater recharge and extraction activities described in attachment 5 affect the hydrology of the bank property? This is a potential problem that could impact the bank’s aquatic resources and should be analyzed in detail.**

EPA Comment 17 The grazing plan should be incorporated into the BEI. Sponsor proposes to extend the grazing lease in compliance with IRT approved grazing plan. This should be done in a way that mimics natural grazers that would have occupied the landscape prior to settlement to help with fire suppression and invasive plant management.

Response #17. The grazing plan will be included as an appendix to the Long-term Management Plan and will be tied to the management and monitoring tasks in the LTMP. The grazing plan will incorporate ecological grazing principles focused on proper stocking rates that will maintain soil stability and fertility and protect the integrity of native vegetation while maintaining open habitat for Swainson’s Hawk, reducing fuel loads and managing non-natives.

*****It’s unclear to me where they are proposing to allow grazing, but any grazing within aquatic resource areas, buffer areas, or even upland areas that contribute sheet flow or groundwater to downstream aquatic resources would seem to be contradictory to the bank purpose. I would argue grazing should not be allowed within the bank property at all.**

USFS Comment 1 A preliminary search of our records indicates that the U.S. Government holds access easements across the parcels proposed for the mitigation bank. These access rights represent an important investment of public resources to secure access to public lands, and are typically held in perpetuity. At this time these roads are used only for administrative access, and are not open to the public. However, the Forest Service cannot guarantee that there would not be a need to utilize these easements for public access in the future.

Response #1. The Bank Sponsor has been working with the USFS to relocate this easement to an alignment that is outside of the proposed restoration area. USFS has indicated that relocation would be acceptable, however this process will not likely be completed prior to Bank approval. After restoration, the existing easement area will be regularly exposed to flooding and debris flows, the proposed easement alignment would be outside of the expected flood zone (except for very large events) and public access provided via this easement would not be expected to conflict with the purposes of the mitigation bank. No credits are currently proposed for the areas underlying either the existing, or proposed, easement alignments.

***I would think this easement issue would need to be resolved prior to the CE being finalized (also see attachment 6 to their response letter). Tiffany should be made aware of this issue.

***Re: Attachment 7: restoration designs (figure 5 on page 57 and "Rift Valley Restoration Plan" figure on page 108). The mitigation plans in the BEI should support the depicted mitigation methods, both in the proposed restoration work and the performance standards (including functional lift). We should evaluate the proposed grading plans carefully, for example, see page 110-112.

***For crediting, I propose we use the methodology I recently worked on with Laurie Monarres at SPN. We can propose this now or after we get the BEI. I can provide the sponsor with the details. I suggest we discuss this internally prior to discussing the issue with the bank sponsor.

My review of IRT submittals re: proposed SA

1. See my comments regarding SA above.

Classification: UNCLASSIFIED

Caveats: NONE